

### REMARKS

In response to the Office Action dated November 24, 2003, claims 1, 5, 9, 13, 16 have been amended. Claims 1-18 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1, 3, 5, 7, 9, 11, 13-14 and 16-17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the cited Shane reference in view of the cited Pollin reference. The Office Action rejected claims 2, 4, 6, 8, 10, 12, 15 and 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the cited Shane reference in view of the cited Pollin reference as applied to claims 1, 3, 5, 7, 9, 11, 13-14 and 16-17 above and further in view of the cited Waters et al. reference.

The Applicant respectfully traverses these rejections based on the amendments to the claims and the arguments below.

Independent claims 1, 5 and 9 now include "...an electronic portable personal data assistant having a processor, executing a control program configured to process digital financial transactions...and...a financial software manager program coupled to the processor, wherein financial records stored by the program are automatically updated by the processor after each transaction."

In addition, independent claims 13 and 16 now include "...using an electronic portable personal data assistant to process digital financial transactions...receiving at a data terminal, the name of a payee from the electronic portable personal data assistant...and...automatically updating financial records of a financial software manager program coupled to the electronic portable personal data assistant after each transaction."

In contrast, the cited references, in combination or alone, do not disclose all of these this features. For example, Shane merely discloses an electronic "...automated banking machine..." while Pollin simply discloses an automated electronic financial system for "...collecting payments..." and Waters merely discloses a fingerprint scanner device. Although Shane discloses performing financial transactions with biometric authentication, clearly, **nowhere** in Shane or the cited references is there a disclosure of all of the Applicant's claimed elements, as amended.

Namely, the combined cited references do **not** disclose the Applicant's claimed electronic portable personal data assistant configured to process digital financial transactions and a financial software manager program coupled to the processor, wherein financial

records stored by the program are automatically updated by the processor after each transaction.

Since the cited references are missing at least one material limitation of the Applicants' claimed invention, it cannot legally render the claims obvious. It is well settled that when the Examiner evaluates a claim for determining obviousness, all limitations of the claim must be evaluated. If the combination of references do not produce are missing limitations of the Applicant's claimed invention then a prima facie showing of obviousness does cannot exist. In Re Evanega, 829 F.2d 1110, 4 USPQ2d 1249 (Fed. Cir. 1987). In Re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). As such, Therefore, a prima facie case of obviousness cannot be established, and hence, the rejections must be withdrawn. ACS Hospital Systems, Inc. v. Montefiore Hospital (MPEP 2143.01).

With regard to the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

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Respectfully submitted,  
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